



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

25908 7590 06/29/2010

NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK, NY 10110

EXAMINER

KAM, CHIH MIN

ART UNIT

PAPER NUMBER

1656

DATE MAILED: 06/29/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/560,260

12/09/2005

Dorotea Raventos Segura

10328.204-US

9630

TITLE OF INVENTION: ANTIMICROBIAL PEPTIDES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/29/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

25908 7590 06/29/2010

NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK, NY 10110

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,260	12/09/2005	Dorotea Raventos Segura	10328.204-US	9630

TITLE OF INVENTION: ANTIMICROBIAL PEPTIDES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/29/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
KAM, CHIH MIN	1656	514-002000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,260	12/09/2005	Dorotea Raventos Segura	10328.204-US	9630
25908	7590	06/29/2010	EXAMINER	
NOVOZYMES NORTH AMERICA, INC. 500 FIFTH AVENUE SUITE 1600 NEW YORK, NY 10110			KAM, CHIH MIN	
			ART UNIT	PAPER NUMBER
			1656	
DATE MAILED: 06/29/2010				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 591 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 591 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/560,260	SEGURA ET AL.	
	Examiner	Art Unit	
	CHIH-MIN KAM	1656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/19/10.
2. ☒ The allowed claim(s) is/are 40,41 and 43-86.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/Chih-Min Kam/
 Primary Examiner, Art Unit 1656

DETAILED ACTION

Status of the Claims

1. Claims 40-86 are pending.

Applicants' amendment filed April 19, 2010 is acknowledged. Applicants' response has been fully considered. Claim 60 has been amended. Therefore, claims 40-86 are examined.

Withdrawn Informalities

2. The previous objection to the specification regarding the amino acid sequences of G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-X₁₃-X₁₄-I-K-X₁₅-X₁₆-X₁₇-X₁₈-L-V-P (SEQ ID NO:1) and G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (amino acids 1-19 or 1-29 of SEQ ID NO:1) is withdrawn in view of applicants' amendment to the specification, applicants' submission of a new version of Sequence Listing, and applicants' response at page 14 in the amendment filed April 19, 2010; as well as Examiner's Amendment (See below).

Withdrawn Claim Rejections - 35 USC § 112

3. The previous rejection of claims 40-79 under 35 U.S.C. 112, second paragraph, is withdrawn in view of applicants' amendment to the claims, applicants' submission of a new version of Sequence Listing, and applicants' response at page 14 in the amendment filed April 19, 2010.

Examiner's Amendment

An **Examiner's Amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Art Unit: 1656

Authorization for this examiner's amendment was given in a telephone interview with Elias Lambiris on June 23, 2010.

Examiner's Amendments to the Specification:

Please replace the term "G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (amino acids 1-19 of SEQ ID NO:1);" in the paragraph on page 1, lines 26-35 of the specification, which has been amended in the amendment filed April 22, 2010, with the following term "G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (amino acids 1-19 or 1-29 of SEQ ID NO:1);".

Please replace the term "G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (amino acids 1-19 of SEQ ID NO:1);" in the paragraph on page 4, lines 1-12 of the specification, which has been amended in the amendment filed April 22, 2010, with the following term "G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (amino acids 1-19 or 1-29 of SEQ ID NO:1);".

Please replace the term "G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (amino acids 1-19 of SEQ ID NO:1);" in the paragraph on page 5, lines 2-15 of the specification, which has been amended in the amendment filed April 22, 2010, with the following term "G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (amino acids 1-19 or 1-29 of SEQ ID NO:1);".

Please replace the term "G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (amino acids 1-19 of SEQ ID NO:1);" in the paragraph on page 6, line 23-page 7, line 4 of the specification (there are two places), which has been amended in the amendment filed April 22, 2010, with the following term "G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (amino acids 1-19 or 1-29 of SEQ ID NO:1);".

Please replace the term "G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (amino acids 1-19 of SEQ ID NO:1);" in the paragraph on page 7, line 29-page 8, line 16 of the specification (there are two places), which has been amended in the amendment filed April 22,

Art Unit: 1656

2010, with the following term “G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (amino acids 1-19 or 1-29 of SEQ ID NO:1);”.

Please replace the term “G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (amino acids 1-19 of SEQ ID NO:1);” in the paragraph on page 9, lines 12-21 of the specification, which has been amended in the amendment filed April 22, 2010, with the following term “G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (amino acids 1-19 or 1-29 of SEQ ID NO:1);”.

Please replace the term “G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (SEQ ID NO:1);” in the paragraph on page 10, lines 4-12 of the specification, which has been amended in the amendment filed April 22, 2010, with the following term “G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (amino acids 1-19 or 1-29 of SEQ ID NO:1);”, and replace the term “Z = R or X₁₃-X₁₄-I-K-X₁₅-X₁₆-X₁₇-X₁₈-L-V-P (SEQ ID NO:1);” with the following term “Z = R or X₁₃-X₁₄-I-K-X₁₅-X₁₆-X₁₇-X₁₈-L-V-P (amino acids 19-29 of SEQ ID NO:1);”.

Please replace the term “G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (SEQ ID NO:1);” in the paragraph on page 10, lines 21-32 of the specification, which has been amended in the amendment filed April 22, 2010, with the following term “G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (amino acids 1-19 or 1-29 of SEQ ID NO:1);”, and replace the term “Z = R or X₁₃-X₁₄-I-K-X₁₅-X₁₆-X₁₇-X₁₈-L-V-P (SEQ ID NO:1);” with the following term “Z = R or X₁₃-X₁₄-I-K-X₁₅-X₁₆-X₁₇-X₁₈-L-V-P (amino acids 19-29 of SEQ ID NO:1);”.

Please replace the term “G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (SEQ ID NO:1);” in the paragraph on page 25, lines 26-35 of the specification, which has been amended in the amendment filed April 22, 2010, with the following term “G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (amino acids 1-19 or 1-29 of SEQ ID NO:1);”, and replace the term “Z = R or X₁₃-X₁₄-I-K-X₁₅-X₁₆-X₁₇-X₁₈-L-V-P (SEQ ID NO:1);” with the following term “Z = R or X₁₃-X₁₄-I-K-X₁₅-X₁₆-X₁₇-X₁₈-L-V-P (amino acids 19-29 of SEQ ID NO:1);”.

Examiner's Amendment to the Claims:

Art Unit: 1656

Cancel claim 42.

Claims 50, 60 and 72 have been amended as follows:

50. (Currently amended) The polypeptide of claim 40, wherein

Xaa at position 3 is Leu or Phe;

Xaa at position 4 is Arg or Lys;

Xaa at position 6 is Leu or Phe;

Xaa at position 7 is Arg, Lys or Gly;

Xaa at position 8 is Lys, Arg or ~~E~~Glu;

Xaa at position 11 is Gly or Lys;

Xaa at position 12 is Lys, Arg or Glu;

Xaa at position 17 is lie or Leu; and

Xaa at position 18 is Ala or Thr.

60. (Currently amended) An isolated polypeptide having antimicrobial activity, comprising the amino acid sequence of amino acids 1-19 of SEQ ID NO: 1:

Gly Xaa Xaa Xaa Arg Xaa Xaa Xaa Lys Ile Xaa Xaa Lys Xaa Xaa Lys

5

10

15

Xaa Xaa Xaa (amino acids 1-19 of SEQ ID NO: 1);

wherein

Xaa at position 2 is Leu or Arg;

Xaa at position 3 is Leu, Val, lie or Phe;

Xaa at position 4 is Arg or Lys;

Xaa at position 6 is Leu, Val, lie or Phe;

Xaa at position 7 is Arg, Lys, Trp or Gly;

Xaa at position 8 is Lys, Arg, Gly, Met, Asn or Glu;

Xaa at position 11 is Gly, Arg, Lys or Glu;

Xaa at position 12 is Gly, Arg, Lys or Glu;

Xaa at position 14 is Leu or Phe;

Xaa at position 15 is Lys or Arg;

Art Unit: 1656

Xaa at position 17 is lie, Leu, Phe, Cys or Tyr;

Xaa at position 18 is Gly, Ala or Thr; and

Xaa at position 19 is Gin, Arg, Leu or Pro;

wherein each amino acid is independently the D or L form.

72. (Currently amended) The polypeptide of claim ~~64~~60, which consists of the amino acid sequence of amino acids 1-19 of SEQ ID NO: 1.

The following is an Examiner's Statement of Reasons for Allowance: The following reference is the closest art to the claimed invention. Tossi *et al.* (Eur. J. Biochem. 250, 549-558 (1997)) teach an antimicrobial peptide of PGG peptide with the amino acid sequence of GLLRRLRKKIGEIFKKYG (Table 1), which is different from the sequence of G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (amino acids 1-19 of SEQ ID NO:1) by two amino acids, where X₁, X₂ and X₄ each is L, X₃ and X₅ each is R, X₆ and X₁₀ each is K, X₇ is G, X₈ is E, X₉ is F, X₁₁ is Y, X₁₂ is G, and Z is R. Thus, Tossi *et al.* do not teach an isolated peptide comprising the amino acid sequence of amino acids 1-19 or 1-29 of SEQ ID NO:1. Therefore, the claims are allowable over the art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Min Kam whose telephone number is (571) 272-0948. The examiner can normally be reached on 8.00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manjunath Rao can be reached at 571-272-0939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1656

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chih-Min Kam/

Primary Examiner, Art Unit 1656

CMK

June 23, 2010